

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NATHAN RILEY,

Plaintiff,

v.

DAVID GRAINEY, et al.,

Defendants.

CIVIL ACTION NO. 3:12-CV-2470

(JUDGE CAPUTO)

(MAGISTRATE JUDGE MEHALCHICK)

ORDER

NOW, this 15th day of January, 2014, upon review of the Report and Recommendation of Magistrate Judge Mehalchick (Doc. 25) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report & Recommendation (Doc. 25) is **ADOPTED**.
- (2) The Motion of Defendants Balesterieri, Capozza, Folino, Grainei, Palya, Smith and Varner to Dismiss the Complaint (Doc. 14) is **GRANTED**. The claims against Defendants Maria Balestrieri, Mark Capozza, Louis S. Folino, David Grainei, Paul Payla, Michael Smith and Dorina Varner are **DISMISSED with prejudice**.
- (3) Plaintiff may file an amended complaint setting forth his claim under the Americans with Disabilities Act against Defendants Palya, Balestrieri, Polino and Varner in their official capacities within twenty (20) days of the date of entry of this order.
- (4) The Motion of Defendant Jin to Dismiss the Complaint (Doc. 17) is **GRANTED**. The claims against Defendant Dr. Byunghak Jin are **DISMISSED with prejudice**.
- ((6) The matter is **RECOMMITTED** to Magistrate Judge Mehalchick for further proceedings.


A. Richard Caputo
United States District Judge